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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,603	09/11/2006	Dominique Lampe	KOB	1623
7590 James C. Wray 1493 Chain Bridge Road Suite 300 McLean, VA 22101		EXAMINER RAMSEY, JEREMY C		
		ART UNIT 3634		
		MAIL DATE 11/14/2008		
		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/575,603

**Applicant(s)**

LAMPE, DOMINIQUE

**Examiner**

JEREMY C. RAMSEY

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

The following office action is in response to the amendment filed on July 23, 2008. Claims 1-14 are pending in the application. Claims 1-14 are rejected as set forth below.

***Specification***

The previous objections to the specification have been withdrawn.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanright 5,988,254 in view of White 2,689,349.

3. In re claims 6-9 and 11-14, with reference to Figures 1 and 3, Hoyt '989 discloses a folding curtain (21) comprising:

- At least one tunnel (elongated pockets, column 3, lines 51-52) extending across the width of the curtain (1).
- A strengthening rod (3) inserted in the tunnel.

Hanright '254 fails to disclose:

- The strengthening rod comprising at one extremity a number of pointed projections and that the tunnel is closed off by pricking the projections through the wall of the tunnel.

- The projections are movable against a spring force.
- The projections are part of a terminal element provided on the strengthening rod.
- The terminal element comprises a sleeve shaped jacket containing a coiled spring and an element provided with the pointed projections, and the element is movable against the spring force of the coiled spring.

With reference to Figures 2 and 3, White '349 discloses:

- Pointed projections (19) and that pricking the projections through the wall of the material.
- The projections (19) are movable against a spring (8) force.

points 18 extending downwardly and toward the fabric or collar wing 21. By then releasing the pressure on the loop portions 16, the spring 8 will draw the eyes 11 toward one another and in so doing will displace the loops 12 and points 19 away from one another so that the points 19 will pierce the fabric to thereby stretch and stiffen the fabric or collar wing portions disposed between said points. The loop portions 16 perform a secondary function in that said portions 40 constitute stops which engage the fabric to limit the extent of penetration of the spike portions 17. Obviously, the amount of tension applied to the fabric may be varied by varying the extent that the spike points 19 are displaced toward one another before being applied to the fabric. 43

- The projections are part of a terminal (12)(10)(8) element provided on the rod.
- The terminal element comprises a sleeve shaped jacket (10) containing a coiled spring (8) and an element provided with the pointed projections

(19), and the element is movable against the spring force of the coiled spring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the terminal element with pointed projections movable against a spring force as taught by White '349 in order to provide a means to retain the strengthening rod in a stretched condition against the fabric. (column 1, lines 1-13)

4. In re claims 1-5, the folding curtain of Hanright '254 has been discussed above and obviously discloses a method for closing of at least one tunnel extending across the width of a curtain including a strengthening rod with a number of pointed projections movable against a spring force, wherein the projections are parts of a terminal element that includes a sleeve) on the extremity of the strengthening rod.

5. In re claim 8, the folding curtain of Hoyt '989 has been discussed above but fails to disclose:

- Wherein the projections are made of synthetic material.

6. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the projections could be made of synthetic material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. By using synthetic materials, it would help maintain a light weight but retain the necessary structural properties. Further, synthetic materials are widely

available and used, and can be selected for strength, stiffness, flexibility, durability, or whatever properties are needed in a particular application.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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